

DOYLE D. BERTSCHY, )  
)  
Plaintiff, )  
)  
-vs- ) Case No. CIV-09-1370-F  
)  
EVERETTE VAN HOESEN, )  
Sheriff, et al., )  
)  
Defendants. )

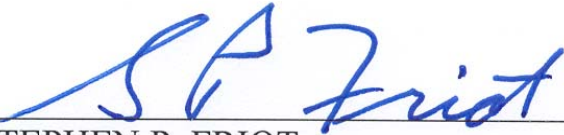
On May 21, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation, wherein she recommended that Defendant Liz Kuhn's Motion to Dismiss Plaintiff's Complaint and Plaintiff's Motion to Dismiss Defendant be granted. Magistrate Judge Roberts advised the parties of their right to object to the Report and Recommendation by June 10, 2010 and further advised that failure to make timely objection to the Report and Recommendation waives the right to appellate review of the factual and legal issues therein contained.

To date, no objection to the Report and Recommendation has been filed and no extension of time to file an objection has been requested. With no objection being filed within the time prescribed by Magistrate Judge Roberts, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on May 21, 2010 (doc. no. 28) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Defendant Liz Kuhn's Motion to Dismiss Plaintiff's Complaint (doc. no. 18) is **GRANTED**. Plaintiff's Motion to Dismiss Defendant

(doc. no. 19) is **GRANTED**. Plaintiff's claims against defendant, Liz Kuhn, are **DISMISSED WITHOUT PREJUDICE**.

DATED June 28, 2010.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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